

Douglas A. Ducey Governor EXECUTIVE OFFICE

May 2, 2018

The Honorable Michele Reagan Secretary of State 1700 W. Washington, 7<sup>th</sup> Floor Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, which I signed on May 2, 2018:

SB 1399 board of barbers; cosmetology; apprenticeships (Smith)

SB 1411 schools; annual achievement profiles (Allen, S.)

Sincerely,

Douglas A. Ducey

Governor

State of Arizona

cc:

Senate Secretary

Chief Clerk of the House of Representatives

Arizona News Service

House Engrossed Senate Bill
FILED
MICHELE REAGAN

SECRETARY OF STATE

State of Arizona Senate Fifty-third Legislature Second Regular Session 2018

## SENATE BILL 1411

AN ACT

AMENDING SECTIONS 15-241 AND 15-241.02, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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Be it enacted by the Legislature of the State of Arizona: Section 1. Section 15-241, Arizona Revised Statutes, is amended to read:

15-241. School, charter school and school district accountability; annual achievement profiles; classification; letter grade system; profiles; appeals process; failing schools tutoring fund; definition

- A. ON OR BEFORE NOVEMBER 1 OF EACH YEAR, the department of education shall compile an annual achievement profile for each public school and local education agency, AND SHALL RECOMMEND TO THE STATE BOARD OF EDUCATION, AN ANNUAL ACHIEVEMENT PROFILE THAT CONSISTS OF AN EDUCATIONAL DASHBOARD THAT REFLECTS THE ACHIEVEMENT FOR EACH PUBLIC SCHOOL AND LOCAL EDUCATION AGENCY ON THE ACADEMIC AND EDUCATIONAL PERFORMANCE INDICATORS PRESCRIBED IN SUBSECTION D OF THIS SECTION. THE DEPARTMENT SHALL PROVIDE ANY TECHNICAL ASSISTANCE NEEDED BY THE STATE BOARD OF EDUCATION TO MAKE FINAL ADOPTION OF THE ANNUAL ACHIEVEMENT PROFILE.
- B. Each school, charter holder and school district shall submit to the department any data that is required and requested and that is necessary to compile the achievement profile. A school or local education agency that fails to submit the information that is necessary is not eligible to receive monies from the classroom site fund established by section 15-977.
- C. The annual achievement profile compiled by the department AND RECOMMENDED TO THE BOARD shall be used to determine a standard measurement of acceptable academic progress for each school and local education agency and a school and local education agency classification pursuant to subsection  $\digamma$  G of this section. Any disclosure of educational records compiled by the department of education pursuant to this section shall comply with the family educational rights and privacy act of 1974 (20 United States Code section 1232g).
- D. The annual achievement profile for schools and local education agencies shall include, at a minimum, the following academic AND  ${\tt EDUCATIONAL}$  performance indicators:
- 1. Multiple measures of academic performance or other academically relevant indicators of school quality that are appropriate to assess the educational impact of a school during the academic year as determined by the state board of education.
- 2. Academic progress on  $\frac{15-741}{100}$  assessments adopted pursuant to  $\frac{15-741}{100}$  SECTIONS 15-741 AND 15-741.02 in English language arts and mathematics.
- 3. Academic progress on the English language learner assessments administered pursuant to section 15-756, subsection B and sections 15-756.05 and 15-756.06.

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- 4. Progress toward college and career readiness for all schools and local education agencies that offer instruction in any of grades nine through twelve.
- 5. ACADEMIC PROGRESS ON ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 15-741.02.
- 6. MULTIPLE MEASURES OF EDUCATIONAL PERFORMANCE OR OTHER RELEVANT INDICATORS OF SCHOOL QUALITY THAT ASSESS A SCHOOL'S EDUCATIONAL IMPACT, SUCH AS GRADUATION RATES AND ATTENDANCE RATES.
- E. IF NEITHER THE SCHOOL NOR THE SCHOOL DISTRICT MEETS THE MINIMUM STUDENT COUNT AS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD OF EDUCATION FOR ANY OF THE PERFORMANCE INDICATORS PRESCRIBED IN SUBSECTION D OF THIS SECTION, THEN THE PERFORMANCE INDICATOR SHALL NOT BE FACTORED INTO THE LETTER GRADE ASSIGNED PURSUANT TO THIS SECTION.
- E. F. Subject to final adoption by the state board of education, the department shall determine the criteria for each school and local education agency classification label ON EACH PERFORMANCE INDICATOR OF THE ANNUAL ACHIEVEMENT PROFILE PRESCRIBED IN SUBSECTION D OF THIS SECTION using a researched-based methodology AND SHALL RECOMMEND TO THE STATE BOARD OF EDUCATION FOR FINAL ADOPTION THE CRITERIA FOR EACH SCHOOL AND LOCAL EDUCATION AGENCY CLASSIFICATION. The DEPARTMENT OF EDUCATION SHALL DEVELOP THE methodology developed in collaboration with a coalition of qualified technical and policy stakeholders APPOINTED BY THE BOARD. THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE AND UPON REQUEST, STUDENT OR STATEWIDE PERFORMANCE INDICATOR DATA NEEDED TO DETERMINE AND CALCULATE THE METHODOLOGY AND FINAL LETTER GRADES. — At a minimum, THE METHODOLOGY shall include the performance of pupils at all achievement levels, account for pupil mobility, account for the distribution of pupil achievement at each school and local education agency and include longitudinal indicators purposes of this subsection, performance. For the academic "researched-based methodology" means the systematic and objective application of statistical and quantitative research principles to calculate the indicators used to determine A through F letter grades.
- F. G. The annual achievement profile shall be used to determine a school and local education agency classification USE CLASSIFICATIONS based on an A through F letter grade system adopted by the state board of education in which a letter grade of A reflects an excellent level of performance and a letter grade of F reflects a failing level of performance. THE A THROUGH F LETTER GRADE SYSTEM SHALL BE APPLIED TO EACH PERFORMANCE INDICATOR OF THE ANNUAL ACHIEVEMENT PROFILE PRESCRIBED IN SUBSECTION D OF THIS SECTION AND SHALL ASSIGN AN OVERALL LETTER GRADE FOR THE PUBLIC SCHOOL OR LOCAL EDUCATION AGENCY. The A through F letter grade system shall indicate expected standards of performance for all schools ON EACH PERFORMANCE INDICATOR OF THE ANNUAL ACHIEVEMENT PROFILE PRESCRIBED IN SUBSECTION D OF THIS SECTION and the manner in which schools may rise above or fall below those expected standards of performance. The state

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 board of education may also assign a school a letter grade of F ON EACH PERFORMANCE INDICATOR OF THE ANNUAL ACHIEVEMENT PROFILE PRESCRIBED IN SUBSECTION D OF THIS SECTION if the state board of education determines that the school is among the "persistently lowest-achieving schools" in the state ON THE MAJORITY OF THE PERFORMANCE INDICATORS OF THE ANNUAL ACHIEVEMENT PROFILE under the federal school accountability requirements pursuant to section 1003(g) of the elementary and secondary education act (20 United States Code section 6303).

- $rac{G.}{G.}$  H. The classification ON EACH PERFORMANCE INDICATOR OF THE ANNUAL ACHIEVEMENT PROFILE for each school and the criteria used to determine classification pursuant to subsections  $rac{E-and}{E-and}$  F AND G of this section shall be included on the school report card prescribed in section 15-746.
- H. I. Subject to final adoption by the state board of education, the department of education shall use achievement profiles appropriately to assess the educational impact of accommodation schools, alternative schools and extremely small schools, may develop profiles for schools that participate in the board examination system prescribed in chapter 7, article 6 of this title and schools that participate in Arizona online instruction pursuant to section 15-808 and may develop other exceptions as prescribed by the state board of education for the purposes of this section.
- INCLUDING A DEADLINE FOR WHEN REQUESTS MUST BE SUBMITTED, for a school or local education agency to correct student data used to determine the school's or local education agency's annual achievement profile. IF A CORRECTION TO STUDENT DATA IS REQUIRED, THE DEPARTMENT SHALL NOTIFY THE SCHOOL OR LOCAL EDUCATION AGENCY OF THE DATA CORRECTION PROCESS AND SHALL ANNUALLY PROCESS STUDENT DATA CORRECTION REQUESTS. The state board of education shall establish an appeals process to allow a school or local education agency to appeal the school's or local education agency's final letter grade, OR A LETTER GRADE APPLIED TO A PERFORMANCE INDICATOR PRESCRIBED IN SUBSECTION D OF THIS SECTION, based on mitigating factors, INCLUDING ACHIEVEMENT PROFILE DESIGNATIONS BASED ON INCORRECT DATA, identified by the board DEPARTMENT. The board may delegate the administration of the appeals process to the department of education.
- J. K. The failing schools tutoring fund is established consisting of monies collected pursuant to section 42-5029, subsection E and section 42-5029.02, subsection A, paragraph 8 as designated for this purpose. The department of education shall administer the fund. The department of education may use monies from the fund to purchase materials designed to assist students to meet the Arizona academic standards and to achieve a passing score on assessments adopted by the state board of education.
- $\mathsf{K.}$  L. For the purposes of this section, "academic progress" means measures of both proficiency and academic gain.

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Sec. 2. Section 15-241.02, Arizona Revised Statutes, is amended to read:

## 15-241.02. <u>School improvement plans; solutions teams;</u> <u>withholding of state monies</u>

- A. If a school is assigned a letter grade of D pursuant to section 15-241, within ninety days after receiving notice of the classification, the school district governing board shall develop an improvement plan for the school, submit a copy of the plan to the superintendent of public instruction and the county educational service agency and supervise the implementation of the plan. The governing board shall include in the plan necessary components as identified by the state board of education. after submitting the improvement plan to the Within thirty days superintendent of public instruction and the county educational service agency, the governing board shall hold a public meeting in each school that has been assigned a letter grade of D and shall present the respective improvement plans that have been developed for each school. The governing board, within thirty days after receiving notice of the classification, shall provide written notification of the classification to each residence within the attendance area of the school. shall explain the improvement plan process and provide information regarding the public meeting required by this subsection.
- B. A school that has not submitted an improvement plan pursuant to subsection A of this section is not eligible to receive monies from the classroom site fund established by section 15-977 for every day that a plan has not been received by the superintendent of public instruction within the time specified in subsection A of this section plus an additional ninety days. The state board of education shall require the superintendent of the school district to testify before the board and explain the reasons that an improvement plan for that school has not been submitted.
- c. If a charter school is assigned a letter grade of D pursuant to section 15-241, within thirty days the school shall notify the parents of the students attending the school of the classification. The notice shall explain the improvement plan process and provide information regarding the public meeting required by this subsection. Within ninety days after receiving the classification, the charter holder shall present an improvement plan to the charter sponsor at a public meeting and submit a copy of the plan to the sponsor of the charter school. The charter holder shall include in the improvement plan necessary components as identified by the state board of education. The school is not eligible to receive monies from the classroom site fund established by section 15-977 for every day that an improvement plan has not been received by the sponsor of the charter school within the time specified in this subsection plus an additional ninety days. The charter holder shall appear before the

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sponsoring board and explain why the improvement plan has not been submitted.

- D. If a school is assigned a letter grade of D pursuant to section 15-241 for a third consecutive year, the department of education shall visit the school site to confirm the classification data and to review the implementation of the school's improvement plan. The school shall be assigned a letter grade of F unless an alternate letter grade is assigned after an appeal pursuant to section 15-241, subsection  $\pm$  J. A school that is assigned a letter grade of D for fewer than three consecutive years may also be assigned a letter grade of F if the state board of education determines that there is no reasonable likelihood that the school will achieve an average level of performance within the next two years.
- E. The superintendent of public instruction and the county educational service agency shall collaborate to assign a solutions team to a school assigned a letter grade of D pursuant to section 15-241 or a school assigned a letter grade of F pursuant to section 15-241 based on academic need and available resources. County educational service agencies may enter into agreements to provide services to schools from other counties. Any other school, subject to available resources, may be assigned a solutions team pursuant to a mutual agreement between the department of education or the county education service agency, or both, and the school. The solutions team shall be composed of master teachers. fiscal analysts and curriculum assessment experts who are certified by the state board of education as Arizona academic standards technicians. department of education or the county educational service agency may hire contract with administrators, principals and teachers who demonstrated experience in improving academic outcomes and may use these personnel as part of the solutions team. The department of education shall work with staff at the school to assist in curricula alignment and shall instruct teachers on how to increase pupil academic progress, considering the school's annual achievement profile. The solutions team shall consider the existing improvement plan to assess the need for changes to curricula, professional development and resource allocation and shall present a statement of its findings to the school administrator and district superintendent. Within forty-five days after the presentation of the solutions team's statement of findings, the school district governing board, in cooperation with each school within the school district that is letter grade of D and its assigned solutions representative, shall develop and submit to the department of education and the county educational service agency an action plan that details the manner in which the school district will assist the school as the school incorporates the findings of the solutions team into the improvement plan. The department of education shall review the action plan and shall either accept the action plan or return the action plan to the school district for modification. If the school district does not submit an approved

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action plan within forty-five days, the state board of education may direct the superintendent of public instruction to withhold up to ten percent of state monies that the school district would otherwise be entitled to receive each month until the plan is submitted to the department of education and the county educational service agency, at which time those monies shall be returned to the school district.

- F. The parent or guardian of a pupil may apply to the department of education, in a manner determined by the department of education, for a certificate of supplemental instruction from the failing schools tutoring fund established by section 15-241. Pupils attending a school assigned a letter grade of D or F may select an alternative tutoring program in academic standards from a provider that is certified by the state board of education. To qualify, the provider must state in writing a level of academic improvement for the pupil that includes a timeline improvement that is agreed to by the parent or guardian of the pupil. state board of education shall annually review academic performance levels for certified providers and may remove a provider at a public hearing from an approved list of providers if that provider fails to meet its stated level of academic improvement. The state board of education shall determine the application guidelines and the maximum value for each certificate of supplemental instruction. The state board of education shall annually complete a market survey in order to determine the maximum value for each certificate of supplemental instruction. This subsection does not require this state to provide additional monies beyond the monies provided pursuant to section 42-5029, subsection E, paragraph 7 or section 42-5029.02, subsection A, paragraph 7.
- G. Within sixty days after receiving notification of a school being assigned a letter grade of F pursuant to section 15-241, the school district governing board shall evaluate needed changes to the existing school improvement plan, consider recommendations from the solutions team, submit a copy of the plan to the superintendent of public instruction and the county educational service agency and supervise the implementation of the plan. Within thirty days after submitting the improvement plan to the superintendent of public instruction and the county educational service agency, the governing board shall hold a public meeting in each school that has been assigned a letter grade of F and shall present the respective improvement plans that have been developed for each school. The governing board, within thirty days after receiving notice of the classification, shall provide written notification of the classification to each residence in the attendance area of the school. The notice shall explain the improvement plan process and provide information regarding the public meeting required by this subsection.
- H. A school that has not submitted an improvement plan pursuant to subsection G of this section is not eligible to receive monies from the classroom site fund established by section 15-977 for every day that a

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plan has not been received by the superintendent of public instruction within the time specified in subsection G of this section plus an additional ninety days. The state board of education shall require the superintendent of the school district to testify before the board and explain the reasons that an improvement plan for that school has not been submitted.

- I. If a charter school is assigned a letter grade of F pursuant to section 15-241, the department of education shall immediately notify the charter school's sponsor. The charter school's sponsor shall either take action to restore the charter school to acceptable performance or revoke the charter school's charter. Within thirty days, the charter school shall notify the parents of the students attending the school of the classification and of any pending public meetings to review the issue.
- J. The department of education shall evaluate a school that has been assigned a letter grade of F pursuant to section 15-241 to determine whether the school, charter holder or school district failed to properly implement its school improvement plan, align the curricula with academic standards, provide teacher training, prioritize the budget or implement other proven strategies to improve academic performance. After visiting the school site pursuant to subsection D of this section, the department of education shall submit to the state board of education a recommendation either to proceed pursuant to subsections E, F and G of this section or that the school be subject to a public hearing to determine whether the school failed to properly implement its improvement plan and the reasons for the department's recommendation. If the school is a charter school, the department shall submit a report to the sponsor of the charter school. The sponsor shall make a determination pursuant to subsection N of this section.
- K. If the department recommends a public hearing, the state board of education shall meet and may provide by a majority vote at the public hearing for the continued operation of the school as allowed by this subsection. The state board of education shall determine whether governmental, nonprofit and private organizations may submit applications to the state board to fully or partially manage the school. The state board's determination shall include:
- 1. Whether and to what extent the local governing board may participate in the operation of the school, including personnel matters.
- 2. Whether and to what extent the state board will participate in the operation of the school.
  - 3. Resource allocation pursuant to subsection M of this section.
- 4. Provisions for the development and submittal of a school improvement plan to be presented in a public meeting at the school.
- 5. A suggested time frame for the alternative operation of the school.

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- L. The state board of education shall periodically review the status of a school that is operated by an organization other than the school district governing board to determine whether the operation of the school should be returned to the school district governing board. Before the state board makes a determination, the state board or its designee shall meet with the school district governing board or its designee to determine the time frame, operational considerations and appropriate continuation of existing improvements that are necessary to ensure a smooth transition of authority from the other organization back to the school district governing board.
- M. If an alternative operation plan is provided pursuant to subsection K of this section, the state board of education shall pay for the operation of the school and shall adjust the school district's district additional assistance pursuant to section 15-961, base support level pursuant to section 15-943, monies distributed from the classroom site fund established by section 15-977 and transportation support level pursuant to section 15-945 to accurately reflect any reduction in district services that are no longer provided to that school by the district. The state board may modify the school district's revenue control limit, the district support level and the general budget limit calculated pursuant to section 15-947 by an amount that corresponds to this reduction in services. The state board shall retain the portion of state aid that would otherwise be due the school district for the school and shall distribute that portion of state aid directly to the organization that contracts with the state board to operate the school.
- N. If the sponsor of a charter school determines that a charter holder failed to properly implement its improvement plan, the sponsor of the charter school shall revoke the charter school's charter.
- 0. If there are more than two schools in a district and more than one-half, or in any case more than five, of the schools in the district are assigned a letter grade of F pursuant to section 15-241 for more than two consecutive years, in the next election of governing board members the election ballot shall contain the following statement immediately above the listing of governing board candidates:

Within the last five years, (number of schools) schools in the  $\_\_\_$  school district have been assigned a letter grade of D or F.

- P. At least twice each year the department of education shall publish in a newspaper of general circulation in each county of this state a list of schools that are assigned a letter grade of F pursuant to section 15-241.
- Q. The state board of education shall adopt guidelines to include supplementary training in reading instruction for teachers who provide instruction to pupils in a kindergarten program or grade one, two or three in an improvement plan pursuant to subsection A of this section.

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- R. In addition to any other corrective procedures prescribed in this section and sections 15-241 and 15-241.01, a school that has been assigned a letter grade of D or F for two consecutive years shall implement a science, technology, engineering and mathematics intervention strategy under the supervision of the state board of education.
- S. In addition to any other corrective procedures prescribed in this section, a school district that has been assigned a letter grade of D or F pursuant to section 15-241 for two consecutive years shall implement a parent involvement strategy. The parent involvement strategy shall be included in the school improvement plan for each applicable school within the district, as prescribed in subsection A or G of this section, as applicable.
- T. The department of education shall publish criteria for a school's or school district's exit status from a previous assignment of a letter grade of F in accordance with this section. The criteria shall prescribe the actions and results necessary to be deemed to have complied with this section regarding school improvement, including the proper implementation of a school improvement plan pursuant to subsection J of this section. These criteria shall be provided to a school or school district if it is assigned a letter grade of F pursuant to section 15-241.

APPROVED BY THE GOVERNOR MAY 2, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2018

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Passed the House	/ <b>8</b> , 20/ <b>8</b> ,	Passed the Se	nate	arch 6	, 20 <u><b>18</b></u> ,	
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Secretary of State

## SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

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	by the following vote: Ayes,
	Nays, Not Voting
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